

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Deborah L. Rice,

Plaintiff,

-V-

**Case No. 2:04-cv-0951
JUDGE SMITH
Magistrate Judge Kemp**

Great Seneca Financial Corp., et al.,

Defendants.

ORDER

In light of the decision of the Chief Judge of this District in a similar case denying a motion to consolidate, the Court **DENIES** plaintiff's motion to consolidate cases (Doc. 9).

After due consideration, the Court finds that plaintiff has not violated the requirements of Fed. R. Civ. P. 11, and the Court therefore **DENIES** defendants' motion for sanctions (Doc. 11).

The Court takes judicial notice that two interlocutory appeals are currently pending before the Sixth Circuit Court of Appeals, the resolution of which will likely determine the

outcome of defendants' motion to dismiss (Doc. 4). *Kelly et al v. Great Seneca Financial Corp.*, Case No. 05-3830; *Delwander v. Platinum Financial Serv. Corp.*, Case No. 05-3318. The Court *sua sponte* **STAYS** this action during the pendency of the appeals. Counsel shall notify the Court upon the issuance of any final decision in these appeals.

The Court **DENIES** defendants' motion to dismiss (Doc. 4) **WITHOUT PREJUDICE TO REILING** after the resolution of the subject appeals. The memorandum in support of any refiled motion to dismiss shall not exceed twenty (20) double-spaced typed pages in length.

The Clerk shall remove Doc. 4, Doc. 9 and Doc. 11 from the Court's pending CJRA motions list.

The Clerk shall **ADMINISTRATIVELY CLOSE** this case during the pendency of the stay.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT